

Directions from the Secretary, Department of Health

*Ambulance Services Act 1986*

Sections 10(4)(ca), and 10(4)(h)

I, Euan Wallace, Secretary, Department of Health, give the following directions pursuant to sections 10(4)(ca) and 10(4)(h) of the *Ambulance Services Act 1986* (Ambulance Services Act):

#### **Preamble**

1. Ambulance service workers are at increased risk of vaccine-preventable disease if they are not vaccinated.
2. Ambulance service workers who are not vaccinated can also pose a risk of transmitting a disease to other ambulance service workers and patients, particularly those who are vulnerable because of age, pregnancy, immunosuppression or chronic disease.
3. The purpose of these directions is to require ambulance services to ensure that ambulance service workers whom they employ or engage are vaccinated against seasonal influenza, other than in certain limited circumstances.
4. The objectives of requiring ambulance services to ensure that ambulance service workers whom they employ or engage are vaccinated against seasonal influenza are to protect the health and safety of employees, mitigate the risk of transmission of seasonal influenza to patients and to maximise compliance with the recommended vaccination requirements.

#### **Citation**

5. These Directions may be referred to as the **Mandatory Vaccination of Ambulance Service Workers (Influenza Vaccine) Directions – Ambulance Services**.

#### **Authorising provision**

6. Section 10(4) of the Ambulance Services Act provides that I may give directions in writing to an ambulance service in relation to all or any of a number of specified matters for the purpose of performing a function under the Ambulance Services Act or ensuring that an ambulance service provides high quality accessible and efficient services.
7. The matters in relation to which I may give directions under section 10(4) include:
  - a. Paragraph (ca) – the requirements for specified persons, or a specified class of persons, employed or engaged by the ambulance service to be vaccinated against or prove immunity to specified diseases, including the consequences of non-compliance for those persons as employees or persons engaged by the service; and
  - b. Paragraph (h) – the accounts and records to be kept by the ambulance service and the information to be supplied to the Secretary.
8. My functions under section 9 of the Ambulance Services Act include:

Paragraph (e)(i) – to ensure that ambulance services provide safe, patient-centred and appropriate services.

#### **Commencement**

9. These Directions take effect on 8 April 2022.

## Definitions

10. **Ambulance service worker** means a person:
  - a. who is employed or otherwise engaged by an ambulance service; and
  - b. whose role requires them to have direct in-person contact with patients, clients, deceased persons or body parts, blood, body substances, infectious material or surfaces or equipment that might contain any of the aforementioned, or who is required to work in a clinical area where they may be exposed to infections spread by droplets such as influenza.
11. **Ambulance service** means an ambulance service created under section 23 of the Ambulance Services Act or listed in Schedule 1 to the Ambulance Services Act.
12. **Australian Immunisation Handbook** means the latest edition of the Australian Immunisation Handbook published by the Australian Government Publishing Service.

## Directions

### **Ambulance service workers employed or engaged by an ambulance service on or after the date this Direction takes effect (new ambulance service workers)**

#### **New ambulance service worker must be vaccinated**

13. Subject to clauses 14, 15 and 16, an ambulance service must ensure that any new ambulance service worker whom it employs or engages is vaccinated against seasonal influenza.
14. An ambulance service is not required to ensure that a new ambulance service worker whom it employs or engages (or whom it proposes to employ or engage) is vaccinated against seasonal influenza if:
  - a. the new ambulance service worker has provided acceptable evidence to the ambulance service to show that they have a medical contraindication to the administration of seasonal influenza vaccines as defined by the Australian Immunisation Handbook; and
  - b. the ambulance service has conducted a risk assessment and is satisfied that it is safe to permit the new ambulance worker to perform their role as an ambulance service worker for the ambulance service, and has determined the basis on which it is safe for them to perform that role.

#### **Timeframe for vaccination of new ambulance workers**

15. An ambulance service must ensure that a new ambulance service worker is vaccinated against seasonal influenza:

- a. at the time they are engaged or employed by the ambulance service, if their employment or engagement with the ambulance service commences between May and December in any given year; or
- b. within 4 months of their engagement or employment by the ambulance service, if their employment or engagement with the ambulance service commences between January and April in any given year.

**Exceptions to the requirement to be vaccinated**

16. An ambulance service is not required to ensure that a new ambulance service worker who is employed or engaged by the ambulance service is vaccinated against seasonal influenza if:
  - a. the ambulance service has conducted a risk assessment and is satisfied that it is safe to permit the new ambulance service worker to perform their role as an ambulance service worker for the ambulance service, and has determined the basis on which it is safe for them to perform that role; and
  - b. the ambulance service is satisfied that not engaging or employing the ambulance service worker would result in serious risk to service delivery and patient care.

**Ambulance service worker employed or engaged by an ambulance service prior to the date this Direction takes effect (current ambulance service worker)**

**Current ambulance service worker must be vaccinated**

17. An ambulance service must ensure that each current ambulance service worker who is engaged or employed by the ambulance service is vaccinated against seasonal influenza by 15 August 2022, other than as provided for in clauses 18 and 19.
18. An ambulance service is not required to ensure that a current ambulance service worker is vaccinated against seasonal influenza if:
  - a. the person has provided acceptable evidence to the ambulance service to show that they have a medical contraindication to the administration of seasonal influenza vaccines as defined by the requirements of the Australian Immunisation Handbook; and
  - b. the ambulance service has conducted a risk assessment and is satisfied that it is safe to permit the current ambulance service worker to perform their role as an ambulance service worker for the ambulance service, and has determined the basis on which it is safe for them to perform that role.

**Exceptions to the requirement to be vaccinated**

19. An ambulance service may grant an exemption from the requirement to be vaccinated against seasonal influenza to a current ambulance service worker who is employed or engaged by the ambulance service if:
- c. the ambulance service has conducted a risk assessment and is satisfied that it is safe to permit the current ambulance service worker to perform their role as an ambulance service worker for the ambulance service, and has determined the basis on which it is safe for them to perform that role; and
  - a. the ambulance service is satisfied that removing the person from their current role would result in serious risk to service delivery and patient care.

**Requirement for annual vaccination**

20. An ambulance service must ensure that every ambulance service worker who is employed or engaged by the ambulance service receives an annual vaccination against seasonal influenza by 15 August each calendar year.

**Evidence of vaccination status**

21. An ambulance service must record the seasonal influenza vaccination status of each ambulance service worker who is engaged or employed by the ambulance service annually.
22. Subject to clause 23, an ambulance service must sight a current Immunisation History Statement from the Australian Immunisation Register for each ambulance service worker employed or engaged by the ambulance service, in order to confirm and record their seasonal influenza vaccination status.
23. Where an ambulance service worker has been vaccinated against seasonal influenza in a setting that does not directly link to the Australian Immunisation Register, such as a staff vaccination program organised by their employer, an ambulance service that employs or engages the ambulance service worker may accept documented evidence provided by the organisation which administered the vaccination as evidence of the ambulance service worker's vaccination status.
24. For the purposes of clauses 14 and 18, **acceptable evidence** that an ambulance service worker has a medical contraindication to the administration of seasonal influenza vaccines means a written statement from a medical practitioner outlining the ambulance service worker's contraindication to the administration of seasonal influenza vaccines (as defined by the requirements of the Australian Immunisation Handbook).
25. An ambulance service must record and handle the seasonal influenza vaccination status of each new and current ambulance service worker whom it employs or engages who is unable to be vaccinated against seasonal influenza due to a temporary or permanent medical

contraindications to the administration of seasonal influenza vaccines in accordance with the requirements of the *Health Records Act 2001* (Vic).

**Consequences of non-compliance for ambulance service workers**

26. If, in compliance with this Directions, an ambulance service requires an ambulance service worker to be vaccinated against seasonal influenza, to show evidence of their seasonal vaccination status or to show evidence that they have a medical contraindication to the administration of seasonal influenza vaccines, and the ambulance service worker fails to comply with the requirement, the ambulance service must conduct a risk assessment of the risks associated with the ambulance service worker performing their role as an ambulance service worker for the ambulance service.
27. If, after conducting a risk assessment in accordance with clause 26, the ambulance service is satisfied that the ambulance service worker poses an unacceptable risk to other ambulance service workers and/or patients, the ambulance service may transfer the ambulance service worker to an alternative role with the ambulance service or implement other risk mitigation strategies to ensure the ambulance service is satisfied that the level of risk is acceptable.
28. If it is not possible to transfer the ambulance service worker to an alternative role with the ambulance service or to implement other risk mitigation strategies so that the ambulance service is satisfied that the level of risk is acceptable, the ambulance service may terminate the employment or engagement of the ambulance service worker in accordance with law.



**Professor Euan Wallace AM**

Secretary

Department of Health

07 April 2022